
HOUSE BILL No. 1282

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-34-2-1.1.

Synopsis: Abortion informed consent. Requires that the information that is required to be given a pregnant woman before the woman undergoes an abortion must be given both orally and in writing. (Current law requires that the information be given only orally).

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Public Policy.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1282

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-34-2-1.1, AS AMENDED BY P.L.36-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 1.1. (a) An abortion shall not be performed except
4 with the voluntary and informed consent of the pregnant woman upon
5 whom the abortion is to be performed. Except in the case of a medical
6 emergency, consent to an abortion is voluntary and informed only if the
7 following conditions are met:

8 (1) At least eighteen (18) hours before the abortion and in the
9 presence of the pregnant woman, the physician who is to perform
10 the abortion, the referring physician or a physician assistant (as
11 defined in IC 25-27.5-2-10), an advanced practice nurse (as
12 defined in IC 25-23-1-1(b)), or a midwife (as defined in
13 IC 34-18-2-19) to whom the responsibility has been delegated by
14 the physician who is to perform the abortion or the referring
15 physician has ~~orally~~ informed the pregnant woman **orally and in**
16 **writing** of the following:

17 (A) The name of the physician performing the abortion.

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- 1 (B) The nature of the proposed procedure or treatment.
 2 (C) The risks of and alternatives to the procedure or treatment.
 3 (D) The probable gestational age of the fetus, including an
 4 offer to provide:
 5 (i) a picture or drawing of a fetus;
 6 (ii) the dimensions of a fetus; and
 7 (iii) relevant information on the potential survival of an
 8 unborn fetus;
 9 at this stage of development.
 10 (E) The medical risks associated with carrying the fetus to
 11 term.
 12 (F) The availability of fetal ultrasound imaging and
 13 auscultation of fetal heart tone services to enable the pregnant
 14 woman to view the image and hear the heartbeat of the fetus
 15 and how to obtain access to these services.
 16 (2) At least eighteen (18) hours before the abortion, the pregnant
 17 woman will be ~~orally~~ informed **orally and in writing** of the
 18 following:
 19 (A) That medical assistance benefits may be available for
 20 prenatal care, childbirth, and neonatal care from the county
 21 office of family and children.
 22 (B) That the father of the unborn fetus is legally required to
 23 assist in the support of the child. In the case of rape, the
 24 information required under this clause may be omitted.
 25 (C) That adoption alternatives are available and that adoptive
 26 parents may legally pay the costs of prenatal care, childbirth,
 27 and neonatal care.
 28 (3) The pregnant woman certifies in writing, before the abortion
 29 is performed, that the information required by subdivisions (1)
 30 and (2) has been provided.
 31 (b) Before an abortion is performed, the pregnant woman may, upon
 32 the pregnant woman's request, view the fetal ultrasound imaging and
 33 hear the auscultation of the fetal heart tone if the fetal heart tone is
 34 audible.

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